

consent of the State Highway Commission.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Upon motion duly made and seconded, the meeting was recessed subject to the call of the Mayor, by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Approved: Tom Miller
M a y o r.

Attest:

Kellie McKeel
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 6, 1936.

The meeting was called to order at 10:30 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilman Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 3; absent, Councilmen C. F. Alford and C. M. Bartholomew, 2.

The reading of the Minutes was dispensed with.

Mr. Horace Barnhart, representing the Shriners, advised the Council that Admiral Richard E. Byrd would appear in Austin on February 12, under the auspices of the Ben Hur Shrine, to deliver a lecture on his recent Antarctic Expedition and asked that the Mayor issue a proclamation proclaiming "Admiral Byrd Day" and calling upon the merchants of the City to display the flag on this occasion.

Upon motion of Mayor Miller, the Council officially designated February 12 as "Admiral Byrd Day" and commended the Ben Hur Shrine for its public spirit in bringing this distinguished American Navy officer, athlete, explorer, and scientist here, and for arranging a special matinee for the benefit of the school children.

The City Manager submitted the following report from the Superintendent of the Water Department:

"Austin, Texas
February 4, 1936

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

Attached you will find my certificate of final acceptance for the Water Line Extensions,

Docket No. 1758 (4870) - 593, completed by F. C. Youmans, contractor.

It is my recommendation that the project be accepted and the final estimates paid.

Yours very truly,

(Signed) Albert R. Davis
Superintendent of the Water
Department.

(Certificate attached)

CERTIFICATE OF FINAL ACCEPTANCE:

I, Albert R. Davis, Engineer, in compliance with paragraph 26 of the General Conditions of Agreement, as shown in the specifications in the contract between the City of Austin and F. C. Youmans, Contractor, for the construction of Water Line Extensions, Docket No. 1758 (4870) - 593, issue this certificate of final acceptance of the work.

I certify that the work, with the approved changes, has been constructed according to the plans and specifications as approved by the State PWA Engineer.

(Signed) Albert R. Davis,
Engineer. "

Councilman Gillis then offered the following resolution:

WHEREAS, Guiton Morgan, City Manager, in general charge of Public Works Administration projects, and Albert R. Davis, Engineer in direct charge of Docket No. 1758 (4870) - 593, being the project for the construction of water line extensions for the City of Austin, Texas, have reported that said project has been completed by F. C. Youmans, Contractor, in accordance with the approved plans and specifications and in compliance with the rules and regulations of the Administration of Public Works, and in an acceptable manner to the P. W. A. Inspector, and have recommended to the City Council the acceptance of the project and the payment of the final estimate due thereon; and

WHEREAS, the City Council has inspected said project and the works thereunder, and is of the opinion that same should be finally accepted; and therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said project and the works thereunder is hereby accepted as completed, and the City Manager be and is hereby authorized and directed to approve the final estimates and to issue warrants in payment thereof, and that he be further authorized and directed to release the contractor from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing his successful completion of the project.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Wolf offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT heretofore at its meeting on November 21, 1935, the City Council canvassed the returns of an election held in the City of Austin on November 14, 1935, at which election there was submitted to the qualified voters of said City for their action thereon the certain proposition as to whether the City Council be authorized to issue bonds of said City in the sum of \$350,000 for the purpose of the construction and improvement of public free school buildings in the City of Austin and the purchase of grounds and equipment therefor, and as the result of said canvass found that the proposition received at said election more than 2/3 affirmative votes of all the votes cast and also found that only qualified electors who owned taxable property in the City and who had duly rendered the same for taxation for the current year of 1935 voted at the election; but in the resolution expressing and declaring its findings the City Council omitted the expression of its

finding that "only qualified electors who owned taxable property in the City and who had duly rendered the same for taxation voted at the election," and for the purpose of formally declaring its last named finding and as supplementary to its said resolution, the City Council here finds, and so declares, that at said election only qualified electors who owned taxable property in the City of Austin, and who had duly rendered the same for taxation for the current year of 1935, voted on the proposition submitted at said election.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SOUTH THIRD STREET from West Annie Street to West Monroe Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of South 3rd Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in WEST MONROE STREET from South 3rd Street easterly 365 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of West Monroe Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST THIRTIETH STREET from Robinson Street to Danoy Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet north of and parallel to the south line of said East 30th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in DANOCY STREET from East 30th Street southerly to a point that is 66 feet south of the south line of East 30th Street, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west line of said Danoy Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Wolf offered the following resolution:

WHEREAS, Bill L. Taylor is the Contractor for the alteration of a store front of a building located at 221 Congress Avenue and desires a portion of the sidewalk and street space abutting the south one-half of Lot 6, Block 18, of the Original City of Austin, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Bill L. Taylor, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the southwest corner of the above described lot; thence in a westerly direction and at right angles to the centerline of Congress Avenue a distance of 18 feet; thence in a northerly direction and parallel with the centerline of Congress Avenue a distance of 23 feet; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the east line of Congress Avenue; thence in a southerly direction along the east line of Congress Avenue to the place of beginning.

2. That the above privileges and allotment of space are granted to said Bill L. Taylor, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a walkway within the above described street space along the outer boundaries of said street space, such walkway to be at least 4 feet wide and protected on each side with guard rails at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public

utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(5) That the Contractor shall remove all fences, barricades, loose materials, and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than March 16, 1936.

(6) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(7) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand (\$5000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Wolf offered the following resolution:

WHEREAS, A. A. Mundt is the contractor for the construction of a building located at 318 Colorado Street and desires a portion of the sidewalk and street space abutting Lots 7, 8, and 9, Block 28, of the Original City of Austin, Texas, during the construction of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. A. Mundt, the boundary of which is described as follows:

SIDEWALK AND STREET WORKING SPACE

Beginning at the northeast corner of the above described property; thence in a southerly direction along the west line of Colorado Street a distance of 65 feet; thence in an easterly direction and at right angles to the centerline of Colorado Street a distance of 25 feet; thence in a northerly direction and parallel with the centerline of Colorado Street a distance of 65 feet; thence in a northwesterly direction to a point in the west line of Colorado Street 25 feet north of the south line of West 4th Street; thence in a westerly direction and parallel with the centerline of West 4th Street a distance of 105 feet; thence in a southerly direction and at right angles to the centerline of West 4th Street a distance to the south line of West 4th Street; thence in an easterly direction along the south line of West 4th Street to the place of the beginning.

2. That the above privileges and allotment of space are granted to said A. A. Mundt, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a walkway within the above described working space along the outer boundaries of the street working space, such walkway, with

return walkways, to be at least 4 feet wide and protected on each side by guard rails at least 4 feet high and substantially braced and anchored.

(2) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such guard rail.

(3) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm waters.

(4) That the Contractor shall place on the outside corners of any walkway, barricades, or obstructions, red lights during all periods of darkness.

(5) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 15, 1936.

(7) That the Contractor shall restore all public and private property injured during the use of such space to as good condition as the same existed before the use of such space began.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of Three Thousand (\$3000.00) Dollars, which shall protect, indemnify and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The resolution was adopted by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Gillis moved that in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division, the following named persons be granted Taxicab Driver's Permits: Bert B. Linam, 1903 Haskell Street; A. Duran Doak, Room 108, Little Campus Dormitory. The motion carried by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

The following ordinance was introduced, read the first time, and laid over for publication:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN, AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY LYING ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

Mayor Miller moved that the City Manager be instructed to have the ordinance published in accordance with the provisions of the City Charter as soon as possible. The motion

carried by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Councilman Wolf introduced the following ordinance, which was read the first time and laid over:

AN ORDINANCE AMENDING, IN THE CERTAIN PARTICULARS HEREINAFTER STATED, AN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. "

An Audit Report of the books of the City of Austin for the year 1935, submitted by W. Frank Carter, Certified Public Accountant, was received and filed.

Upon motion duly made and seconded, the meeting was recessed subject to call of the Mayor, by the following vote: Ayes, Councilman Gillis, Mayor Miller, and Councilman Wolf, 3; nays, none; Councilmen Alford and Bartholomew absent, 2.

Approved: _____

Tom Miller
M a y o r .

Attest:

Halle McKeel

City Clerk